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10/530,872	02/28/2006	Anne Elliot Merica	033670-007	4501

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3633

NOTIFICATION DATE	DELIVERY MODE
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12/10/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/530,872	Applicant(s) MERICA, ANNE ELLIOT	
	Examiner Jeanette E. Chapman	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 has no clear meaning

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Neal (7533501)

Claim 1

Neal discloses a curtain wall structure 7,8 having a U-shaped channel adjacent 2045 for receiving a glazed panel therewithin, the improvement comprising:

a structural portion 2025 alongside the U-shaped channel, said structural portion including at least one opening for receiving means for securing the curtain wall structure in place,

a recess 2027 disposed inwardly of the U-shaped channel and the structural portion 2025 and integrated therewith

wherein said recess defines at least one wireway for power and/or data/telecommunication cables in the curtain wall structure.

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claim 21.

Neal discloses the improvement according to claim 1, wherein said recess defines an inwardly disposed terminal end of the curtain wall structure.

claim 23.

Neal discloses the curtain wall structure according to claim 13, wherein said enclosed wireway 2027 defines an inwardly disposed terminal end of the curtain wall structure.

claim 24. Neal lacks the curtain wall structure according to claim 13, further comprising a plurality of power and/or data/telecommunication cables preloaded within said enclosed wireway.

35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3-4, 8-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal in view of Biebuyck (6158182) and Handler (5792992).

claim 20.

Neal lacks the improvement according to claim 1, wherein said recess defines an inwardly open recess and further comprising a cover for said recess.

Handler, figure 5, discloses a raceway for wiring including a structural portion and a recess disposed inwardly of the structural portion and including a cover 235 for the

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recess and the cover and recess define at least one wireway. It would have been obvious to one of ordinary skill in the art to modify Neal to include the sill with the raceway to make efficient use of the sill space.

claim 3.

Handler discloses the improvement according to claim 1 wherein said cover 235 has a generally planar external contour.

Claim 4.

Handler discloses the improvement according to claim 1 wherein said cover has longitudinally extending marginal edges 238 defined so as to fit longitudinally extending sockets provided for this purpose in opposed wall sections 216 of said structural portion.

claim 8.

Handler discloses the improvement according to claim 7 wherein said cover is also of extruded aluminum. See column 5, lines 34-45.

claim 9.

Handler discloses the improvement according to claim 7 wherein said cover is a synthetic polymeric material. See column 5, lines 34-45

claim 10.

The location of the divider and the ribs have been considered a matter of choice having no criticality for the ribs being on the opposing sidewall as long as there is a divider dividing the space into at least two portions

Nevertheless Handler discloses opposed wall sections 216 having longitudinally extending ribs 282 for receiving a resilient divider 285 to provide discrete wireways

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capable of receiving both data/telecommunication cabling and power cabling within said wireway.

claim 11.

Handler discloses the improvement according to claim 1 wherein said structural portion defines a first channel and said inwardly open recess and cover defines a second channel.

claim 12.

Neal discloses the improvement according to claim 1 wherein said sill defines a length in the longitudinal direction, Handler discloses said wireway being continuous along said length.

claim 13.

Neal discloses a curtain wall structure comprising: a channel section 7 for receiving a wall panel therewithin; an anchoring section 2025 spaced inwardly of the channel section, said anchoring section including at least one opening for receiving means 2057 for securing the curtain wall structure in place and an enclosed wireway 2027 disposed inwardly of the channel section and the anchoring section but the wireway including an inwardly open recess and a cover therefore.

Handler discloses a an anchoring section spaced inwardly of the channel section, said anchoring section including at least one opening for receiving means 208 for securing the structure in place. Further, Handler discloses

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an enclosed wireway disposed inwardly of the anchoring section and the wireway including an inwardly open recess and a cover 235 therefore.

claim 14.

Neal discloses the curtain wall structure according to claim 13, wherein said channel section defines a U-shaped channel see above.

Claim 15.

Neal discloses the curtain wall structure according to claim 13, wherein said anchoring section 2025 defines a channel but not including said at least one opening adjacent the cover as shown by Handler

claim 16.

Handler discloses the curtain wall structure according to claim 13 wherein said enclosed wireway includes at least one divider panel, 285 thereby defining at least two separated wire channels.

claim 17-18

Handler discloses said cover includes at least one generally flat planar surface and a plurality of longitudinally spaced openings or sockets, adjacent 236 therein. See 35

USC 112 for claim 18

claim 19.

Handler discloses said enclosed wireway extends horizontally and vertically

Claim 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal in view of Handler (5792992) and further in view of Biebuyck (6158182).

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Biebuyck (prior art figure 1) discloses in a curtain wall structure having a sill 10 defining a U-shaped channel 14 for receiving a wall panel 20 therewithin, the improvement to said sill comprising:

having a structural portion 16 alongside the channel 14, said structural portion including at least one opening for receiving means 46 for securing the sill in place, Biebuyck lacks an inwardly open recess disposed inwardly of the U-shaped channel and the structural portion thereof, and a cover 18 for said recess, wherein said recess and cover define at least one wireway for power and/or data/telecommunication cables.

claim 5.

Biebuyck discloses a cover on the structural portion having longitudinally extending marginal edges defined so as to fit longitudinally extending sockets and 48/30 provided for this purpose in opposed wall sections 216 of said sill wherein one of said sockets 30 defines a pivot of said cover. It would have been obvious to provide the cover socket configuration on the recess to provide a pivotable cover as shown by Biebuyck.

claims 6-7

Biebuyck discloses the improvement according to claim 1 wherein said sill is of extrudable cross section and extruded aluminum. See column 1, lines 9-10

Claims 2, 22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal in view of Vogler (3064110).

claims 2

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Neal lacks the cable and the outlet devices provided in openings defined for this purpose in the cover; Vogler discloses a sill 20 with cables 22 and an spaced opening to accommodate the switch or outlet 21. The choice of electrical elements have been considered a matter of choice since a combination data communications or electrical elements and curtain wall structure has not been claimed. Further one of ordinary skill in the art would have appreciated the type of electrical elements needed in combination with the sill and would have known to incorporate those elements commensurate with that purpose.

claim 22.

Neal lacks discloses the improvement according to claim 1, wherein said recess includes a plurality of power and/or data/telecommunication cables therewithin as shown by Vogel.

claim 24. Neal lacks the curtain wall structure according to claim 13, further comprising a plurality of power and/or data/telecommunication cables preloaded within said enclosed wireway.

Again, Vogler discloses a sill 20 with cables 22 and an spaced opening to accommodate the switch or outlet 21. The choice of electrical elements have been considered a matter of choice since a combination data communications or electrical elements and curtain wall structure has not been claimed. Further one of ordinary skill in the art would have appreciated the type of electrical elements needed in combination with the sill and would have known to incorporate those elements commensurate with that purpose.

Applicant's arguments are moot in view of the new ground of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6743. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/
PRIMARY EXAMINER
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